

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

EO-213
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Office of Economics, Environmental Analysis, and Administration

July 19, 2005

Mr. Don L. Klima
Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, N.W., Suite 809
Washington, DC 20004

Re: STB Docket No. AB 6 (Sub-No. 401X), The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – Polk County, Iowa
Iowa SHPO R&C#: 010577126

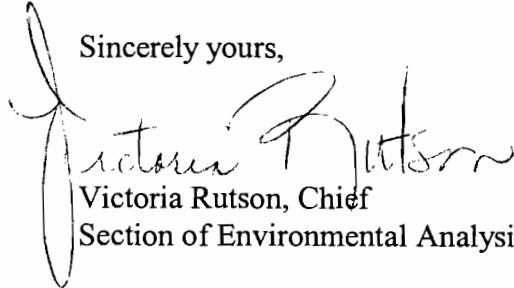
Dear Mr. Klima:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is writing in response to your letter addressed to SEA dated June 9, 2005, which responded to our request for Advisory Council on Historic Preservation (ACHP) review of the proceeding in STB Docket No. AB 6 (Sub-No. 401X), The Burlington Northern and Santa Fe Railway Company (BNSF) - Abandonment Exemption - in Polk County, Iowa. Based on the information available, SEA determined that the proposed rail abandonment would not adversely affect historic properties listed in or eligible for inclusion in the National Register of Historic Places located within the area of potential effect (APE) for this undertaking in accordance with 36 CFR 800.5(b). The Iowa State Historic Preservation Officer (SHPO) disagreed with the Board's finding of no adverse effect, resulting in ACHP review of the proceeding. Following consideration of ACHP's comments, SEA affirms our initial finding that there are No Historic Properties Adversely Affected for this undertaking. This determination concludes the Board's responsibilities under Section 106.

Concerns have been raised by ACHP and the SHPO in this proceeding about the timing of the Board's "no adverse effect" finding. A portion of the APE was sold prior to BNSF receiving abandonment authority from the Board, an action which was contrary to Board procedures. SEA is currently considering appropriate options to ensure that railroad applicants are better able to comply with the Board's environmental and historic reporting requirements to prevent future oversights from occurring.

If we can be of further assistance, please feel free to contact me or Kenneth Blodgett of my staff at (202) 565-1554.

Sincerely yours,



Victoria Rutson, Chief
Section of Environmental Analysis

CC: Doug Jones, Iowa SHPO
Sidney Strickland, BNSF
Iowa Tribe of Oklahoma
Sac and Fox of the Mississippi in Iowa
Iowa Tribe of Kansas and Nebraska
Sac and Fox Nation of Oklahoma
Sac and Fox Nation of Missouri in Kansas and Nebraska
Otoe-Missouria Tribe of Indians, Oklahoma
Ho-Chunk Nation of Wisconsin